



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JAM:AL:LDM:CSK

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 24, 2021

By ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Koestler v. Shkreli*, 16-CV-7175 (S.D.N.Y.)(Nathan, J.)

Dear Judge Nathan:

The undersigned Assistant U.S. Attorneys represent the United States in connection with the forfeiture aspects of the criminal case against respondent Martin Shkreli, *United States v. Shkreli*, 15-CR-637 (E.D.N.Y.)(Matsumoto, J.) (the "Criminal Case"). This letter is respectfully submitted in response to the Court's order, dated March 5, 2021, requiring respondent Shkreli to respond to petitioner Thomas P. Koestler's application for an order to show cause, turnover order, and appointment of receiver (the "Application") no later than March 26, 2021; and permitting the United States Attorney's Office for the Eastern District of New York to file a response by the same date. Pursuant to Rule I.D. of Your Honor's Individual Practice Rules in Civil Cases, the United States respectfully requests a two-week extension, from March 26, 2021 until April 9, 2021, to respond to the Court's March 5, 2021 Order.

As the Court is aware, in the Application, petitioner Koestler seeks, among other things, the turnover of respondent Shkreli's interest in Phoenixus AG to satisfy a judgment entered against him. The United States, which is not a party to this action, has the right to collect respondent Shkreli's remaining forfeiture obligation from that same asset, pursuant to the forfeiture orders entered in the Criminal Case, and continues to review its options as to how to facilitate such collection. Accordingly, before submitting its response, the United States respectfully requests that it first be provided the opportunity to review respondent Shkreli's response to the Application.

The undersigned have contacted counsel for both petitioner and respondent about the United States' request to file its response to the Application on or about April 9, 2021, or two weeks after respondent Shkreli files his response, which is currently due on March 26, 2021. Counsel for both parties have indicated that they have no objection to this

request for additional time; however, counsel for petitioner Koestler has conditioned his consent upon being permitted an additional two weeks to respond to the United States' and respondent Shkreli's responses to the Application.

Accordingly, the United States respectfully requests that its time to respond to the Application be extended until two weeks after respondent Shkreli files his response. This is the United States' first request for an extension of time.

We appreciate the Court's consideration of this request.

Respectfully submitted,

MARK J. LESKO
Acting United States Attorney
Eastern District of New York

By: *Laura Mantell*
Laura D. Mantell
Claire S. Kedeshian
Assistant U.S. Attorneys
(718) 254-6253/6051
Laura.Mantell@usdoj.gov
Claire.Kedeshian@usdoj.gov